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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,183	03/01/2005	Michel Lucas	FR 020092	7052

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EXAMINER	
LEWIS, JONATHAN V	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,183	LUCAS ET AL.	
	Examiner	Art Unit	
	JONATHAN LEWIS	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment filed May 8, 2008. Claims 1-9 are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsubara et al. (US Pat. No. 5,699,106) in view of Mori et al. (US Pat. No. 6,191,782).

Regarding claim 1, Matsubara et al. teaches a method of displaying at least one element of an interactive content on a screen intended to display data transmitted in a digital television format comprising subtitles (Fig. 6A, 601 shows subtitles sports/news), using a command interface comprising a plurality of inputs (Fig. 5 shows the command interface, the remote control), said method comprising the acts of: associating an interactive subtitle with a link table (Fig. 6A, 1 Sports; Fig. 6B shows the two choices of baseball and tennis associated with sports).

Matsubara et al. teaches all the claim limitations as stated above, except the interactive subtitle being an element of the interactive content, the link table indicating at least one correspondence between an input of the command interface and another subtitle, activating the input of the command interface corresponding to the interactive subtitle, and displaying the interactive subtitle in response to the activating act including displaying simultaneously marked portions of the interactive content and markers that mark the marked portions.

However, Mori et al. teaches the interactive subtitle being an element of the interactive content (Fig. 2B), the link table indicating at least one correspondence between an input of the command interface and another subtitle (Fig. 3), activating the input of the command interface corresponding to the interactive subtitle (Fig. 14), and displaying the interactive subtitle in response to the activating act including displaying simultaneously marked portions of the interactive content and markers that mark the marked portions (Fig. 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to associate subtitles with interactive content displayed with interactive content markers, in order to provide a user terminal that can immediately display image information in a broadcasting system upon request.

Regarding claim 2, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except the digital television format is the DVB format and the interactive subtitles are DVB subtitles.

However, Matsubara et al. teaches the digital television format is the DVB format and the interactive subtitles are DVB subtitles (Abstract).

Regarding claim 3, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except at least one of the elements of the interactive content is a permanent page, said permanent page being defined by a particular page type.

However, Matsubara et al. teaches at least one of the elements of the interactive content is a permanent page, said permanent page being defined by a particular page type (Fig. 6A, sports and news are both permanent pages).

Regarding claim 4, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except said permanent page is transmitted in turns.

However, Matsubara et al. teaches said permanent page is transmitted in turns (col. 1, lines 59-66).

Regarding claim 5, Matsubara et al. teaches an audiovisual device for conceiving an interactive content in a digital television format comprising subtitles (col. 1, lines 50-62), said audiovisual device comprising: means for inserting the interactive content in interactive subtitles and means for associating an interactive subtitle with a link table indicating at least one correspondence between an input of the command interface and another subtitle (col. 1, lines 50-62; Fig. 4A).

Matsubara et al. teaches all the claim limitations as stated above, except means for displaying simultaneously marked portions of the interactive content and markers that mark the marked portions.

However, Matsubara et al. teaches means for displaying simultaneously marked portions of the interactive content and markers that mark the marked portions (Fig. 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content markers, in order to provide a user terminal that can immediately display image information in a broadcasting system upon request.

Regarding claim 6, Matsubara et al. teaches a system for processing data transmitted in a digital television format comprising subtitles (Fig. 6A, 601 shows subtitles sports/news; Abstract), said processing system comprising: means for decoding at least an interactive subtitle comprising an element of an interactive content (Abstract), the interactive subtitle being associated with a link table indicating at least one correspondence between an input of a command interface and another subtitle (Fig. 6A/6B – sports are associated with baseball/tennis), and means for displaying a subtitle on a screen as a function of an input of the command interface (col. 2, lines 3-9).

Matsubara et al. teaches all the claim limitations as stated above, except displaying simultaneously marked portions of the interactive content and markers that mark the marked portions.

However, Matsubara et al. teaches displaying simultaneously marked portions of the interactive content and markers that mark the marked portions (Fig. 15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to display interactive content markers, in order to

provide a user terminal that can immediately display image information in a broadcasting system upon request.

Regarding claim 7, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except a data processing system as claimed in claim 6, said processing system also comprising means for storing at least one element of the interactive content.

However, Matsubara et al. teaches a data processing system as claimed in claim 6, said processing system also comprising means for storing at least one element of the interactive content (Fig. 1, 104).

Regarding claim 8, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except a set top box comprising a processing system as claimed in claim 6 or 7.

However, Matsubara et al. teaches a set top box comprising a processing system as claimed in claim 6 or 7 (Fig. 1, 102).

Regarding claim 9, Matsubara et al. in view of Mori et al. teaches all the claim limitations as stated above, except a communication network comprising at least a transmitter suitable for transmitting signals representing at least an interactive content, a transmission network, a receiver suitable for receiving said signals and a data processing system as claimed in claim 6.

However, Matsubara et al. teaches a communication network comprising at least a transmitter suitable for transmitting signals representing at least an interactive content (Fig. 6A shows the interactive content), a transmission network (col. 1, lines 5-10

disclose the cable television system), a receiver suitable for receiving said signals and a data processing system as claimed in claim 6 (Fig. 1, 102).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Houser et al. US Pat. No. 5,774,859

b. Katcher et al. US Pat. No. 7,343,617

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is

(571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/
Primary Examiner, Art Unit 2623